REMARKS/ARGUMENTS

Claims 5-7 and 12-23 are active. Claims 1-4, 8 and 9 have been withdrawn from consideration. Claims 1 and 5 have been amended for clarity and support for the immediate release limitation at the end of this claim is found on page 1, lines 7-8, pages 16-19 (especially page 16, lines 1-11) and in original claim 8. New claims 12-21 find support in the disclosure as follows: claim 12 (page 7, lines 11-14), claim 13 (page 9, lines 32-34), claim 14 (page 10, lines 18-19), claim 15 (page 10, line 26), claims 16-17 (page 10, lines 21, *ff.*), claim 18 (page 16, lines 15-31), claim 19 (page 11, lines 31, *ff.*), claim 20 (page 12, line 27), claim 21 (page 13, line 24), and claim 22 (page 16, lines 1-11). Product by process claim 23 finds support in original claim 1. Accordingly, the Applicants do not believe that any new matter has been introduced. Favorably consideration of this amendment and allowance of this case are now respectfully requested.

The Applicants thank Examiners Sasan and Woodward for the courteous and helpful interview of July 24, 2008. All of the rejections of record were discussed. The teachings of Petereit were reviewed and suggestions regarding claim language set forth in the Examiner's Interview Summary.

Restriction/Election

The Applicants previously elected with traverse **Group II**, claims 5-7, 10 and 11, directed to an active ingredient containing powder, and the species **(i) anionic antirheumatic** and **(ii) ibuprofen**. The requirement has been made FINAL. The Applicants understand that additional species will be rejoined and examined upon an indication of allowability for a generic claim reading on the elected species. The Applicants respectfully request that the claims of the nonelected group(s) which depend from or otherwise include all the limitations

of an allowed elected claim, be rejoined upon an indication of allowability for the elected claim, see MPEP 821.04.

Rejection—35 U.S.C. §103(a)

Claims 5-7, 10 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Petereit, et al., U.S. 2003/0064036, in view of Bourns, et al., U.S. Patent No. 5,529,800. Petereit does not disclose all the elements of the invention, since it requires an emulsifier content of 3-15%, while the invention requires less than 3% emulsifier content. Claims 15-17 also require particular emulsifier content ranges not disclosed by Petereit.

Moreover, Petereit does not specifically contemplate a powder which immediately dissolves as required by claim 5.

Petereit's main objective is to improve storage stability and for this purpose an emulsifier content of 3-15% is required. Any active ingredient may be used and the kind of processing required is not of particular importance. Melting is mentioned, but is not further specified as in the present disclosure. Moreover, there is no disclosure about immediate release.

On the other hand, the invention pertains to a powder that immediately releases its active component (specification pages 4-6) and avoids undesirable organoleptic phenomena, including sandy taste (specification, page 6, lines 16-20). This effect is achieved by selection of anionic active ingredients (specification page 6, lines 1-13, comparative example 9, pages 20-21). Melt processing and grinding to an active ingredient power with an average particle size of 200 μm or less and incorporation of the powder into a water-soluble matrix of customary excipients is also required by the invention (see claim 23) and not specifically suggested by Petereit.

Selection of an emulsifier content of less than 3% is required by the invention (specification, page 10, line 24) to provide the powder with the functional characteristics as claimed. Petereit does not disclose or suggest or provide a reasonable expectation of success for a powder having the characteristics of the invention and therefore does not render the present claims obvious. Accordingly, the Applicants respectfully request that this rejection be withdrawn.

Respectfully submitted,

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